AED 105 FAT—62

App. F. IX—6

Previous Reference

1962
(Forest) CLASS B

File No.

Serial Nos.

Later References.

Agriculture & Forest Department.

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos

Part B for

SUBJECT

Control over private forests S. Nos. 7, 24 & 39 7 Kavle Village in Khanapur Tq.

WD [illegible]—GPB—2,00,000—1-6-61

PAPER FOR NOTE BOOK
UNDER SECRETARY
2 3 61
Under Secretary to Govt.

A
Tehsildar

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಅರಣ್ಯ, ಪು.ರ ಮತ್ತು ಬಿ.ಂ
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಅರಣ್ಯ-ಬಿ)

5/6/62
8.1.63

Serial No.

O. no. 8302/62

Letter no. B6-6-CPF-671/-62-63 dt 20-x-62 of the CCF.

put is for perusal. the CCF has Subd. Off notifn u/s 35(1) of the I.F.A., in respect of private forest S. nos. 9, 24 & 39 of Kavle village Khanapur Tq., Belgaum Dt., The CF., Belgaum reports that a notice u/s 35(3) of the I.F.A., was issued by him & the same was published in the Govt. Gazette, and notices were served on the owners of the above S. nos to show cause within 2 months from the date of receipt of the notice to them why a notifn u/s 35(1) of the I.F.A., should not be issued & also requiring the owners not to do any clearing in the said lands for a period of 6 months or till the date of the making of the notifn whichever is earlier. But due to

Note.—Contn. Sheet

File No. of 196 .

Mysore Government Secretariat

Serial No.

Contravention of the notice served on them, action is being taken by the DFO, Belgaum. The cef has requested for publication of the off proceedings U/S 35(1) of the I. F. A., & Supply 25 Copies of the printed proceedings to the DFO, Belgaum for wide publicity.

We may however agree & issue the off proceedings after perusal by the R. D.

for orders.

QR
5/11/62

Ack. to concurrence.

26/11 RD)

MYSORE GOVT. SECRETARIAT 1241 15 NOV 1962 REVENUE BRANCH.

MYSORE GOVT. SECRETARIAT No. 8 20 NOV 1962 AGRL. & FOREST D

Office of the Registrar I R.D. Dated 12 NOV 1962

7/11/62

7203

Rev. B.

R. D. may agree to the proposal of (4)

c.c.f.

17/11/62

19/11/62

Seen & returned

19/11

MLR

19/11

WD-010154-GPB-PZS-8,00,000-1-10-61

Mysore Government Secretariat

105 FAF 62 — 4

File No. of 196 . [App. F. III 2

Serial No.

5) RO has agreed to the proposal. Hence the notification may now be issued.

OR

21/11/62

6. Notification may be approved

7 3 22/11 accordingly Draft Notification may be approved. This is to take over Control over private forest in T. S. 24+39 of Kalle village, in Khanapur Tr

D.S)

24/11/62

Secy) 27.11

OR

30.11

Issue

JR

3/12/62

Issued on 28 JAN 1963

8/1/63.

DEPUTY SECRETARY TO GOVT. AGRICULTURE & FOREST DEPTT. No. 2700 26 NOV 1962

AGRICULTURE & FOREST SECRETARY No. 9464 27 NOV 1962 GOVERNMENT OF MYSORE

PB 8/1/63

Note.—Contn. Sheet

No.B6-6-CPF- 671 /62-63. Office of the Chief Conservator of Forests in Mysore, Bangalore.
Dated: 20 October, 1962.

To

The Secretary to the Government of Mysore,
Agriculture and Forest Department,
Bangalore.

Sir,

Subject:--Control over private forest Survey Nos.7, 24 and 39 of Kavle Village in Khanapur Taluka.

.....

I enclose herewith a copy of letter No.FOP-FST-191-4/62-63 dated 2nd October 1962 with its accompaniments received from the Conservator of Forests, Belgaum Circle, Belgaum, submitting draft notification under Section 35(1) of the Indian Forest Act in respect of private forest Survey Nos. 7, 24 and 39 of Kavle Village, in Khanapur Taluka of the Belgaum District. The Conservator of Forests, Belgaum District, Belgaum, reports that a notice under Section 35(3) of the Indian Forest Act was issued by him and the same was published in Government Gazette dated 13th July 1961 at pages 1277-78 in Part III-2. It is also reported that the above notice was served on the owners of the Survey Nos. on 10th June 1961 to show cause within 2 months from the date of receipt of the notice to them why a notification under Section 35(1) of the Indian Forest Act should not be issued and also requiring the owners not to do any clearing in the said lands for a period of six months or till the date of the making of the notification under Section (35)(1) of the Act whichever is earlier. From the Divisional Forest Officer's report it is observed that clearing was undertaken in the lands even after the receipt of notice by the owners on 10th June 1961, and the Divisional Forest Officer proposes to impose a penalty of Rs.50/- (Rupeex fifty)only on each of the 3 owners for breach of the conditions laid down in the notice issued under Section 35(3) of the Indian Forest Act. Section 35(6) of the Indian Forest Act as amended by the Bombay Act No.XXIV of 1955 does provide punishment

P. T. O.

6/

for contravening any requisition made under Sub-Section (4) of the Act in the notice, and that, therefore, the felling undertaken by the owners in contravention of the requisition made in the notice amounts to an offence punishable under the Forest Act. So, the action proposed to be taken by the Divisional Forest Officer to compound the offence after levying a compensation of Rs.50/- on each of the owners is in order and he will be asked to proceed against the owners accordingly.

Further fellings will be according to the conditions laid down in the draft notification under Section 35(1) of the Indian Forest Act.

Government may therefore, kindly be moved to issue the accompanying draft notification under Section 35(1) of the Indian Forest Act and direct the Compiler of the Mysore Gazette to supply 25 copies of the Printed Notification to the Divisional Forest Officer, Belgaum and 5 copies to the Conservator of Forests, Belgaum Circle, Belgaum, for wide publicity.

The objection statement (in original) filed by the owners, which is submitted herewith may kindly be returned after perusal.

Yours faithfully,

N.S. Kaikini

(N.S. Kaikini),
Chief Conservator of Forests. 19/10

B.K.17/10/3.

7/

No.FOP/FST/191-4/62-63.

Office of the
Conservator of Forests,
Belgaum Circle.

Belgaum, 2-10 September, 1962.

To

The Chief Conservator of Forests
in Mysore, Bangalore.

Sir,

Subject:-Control over private forests in Sy.Nos. 7,24 and 39 of Kavle village in Khanapur taluka.

I am submitting herewith letter No.FOP/AFR/1859-28 of 29-8-1962 of the Divisional Forest Officer, Belgaum, in duplicate along with the notification under section 35(1) of the Indian Forest Act, 1927 for publication in the Government Gazette and the objection of the owners of the land for favour of perusal.

2. The Sy.Nos.7,24 and 39 of Kavle form a Block of 1006 acres and contain good tree growth. These survey Nos. were proposed to be brought under section 35 and accordingly the notice under section 35(3) of the Indian Forest Act,1927, has been issued by me and the same was published in Government Gazette dated 13-7-1961 at page 1278 in part III section 2. The owners have also no objection for this. After issue of the notice, some fellings are done by the owners for which the D.F.O., proposes to recover Rs.50/- as penalty, but there is no provision in the Act or Rules to recover any penalty for the breach, Unless the area is taken over by Government under Section 36 of the Indian Forest Act 1927. However the owners will be asked not to adopt irregular fellings, lest the provision of section 36 may have to be enforced for the whole areas. Further fellings will be regulated as per the model rules.

3. Publication of the notification under Section 35(1) of the Indian Forest Act 1927 may kindly be caused to be published in the gazette early and 25 copies thereof may kindly be sent to the Divisional Forest Officer, Belgaum, and 5 copies to this office for taking further action.

Yours faithfully,
K.K.Naidu 2.10.62
(K.Keshavagopal Naidu)
Conservator of Forests,
Belgaum Circle.

The owners have also no objection for this. A special guard will however be required to supervise and control the ~~xxxxxx~~ Working in these private forests as in the case of Hudli private forests in Gujnal Range and a separate report wk for the creation of a temporary post of a guard will be submitted after the Notification is issued by Government.

5. A draft Notification in quadmuplicate is submitted herewith for taking futher action in the matter. This office file (pages 1 to \7)) is also submitted for reference and return.

(Syed Hussain)
Divisional Forest Officer,
Belgaum Division, Belgaum.

~~NEK.22.8.~~

9

L E T T E R.

Subject:-Control over private forests in Sy.Nos 7,24 and 39 of Kavle village in Khanapur Taluka.

No.FOP/AFR/1859/28/60.61/62.63.
Belgaum, 29 August 1962.

To

The Conservator of Forests,
Belgaum Circle,
Belgaum.

Reference:-Your No.FOP/FST/191/4/61.62 dated 24.4.61 and 19.12.1961

Notices issued under your No.FOP/FST/191/4/61.62 dated 26.4.1961 under section 35(3) of the I.F.A. 1927 in respect of private forest Sy.Nos. 7,24 and 39 of Kavle village in Khanapur Taluka requiring the owners of the said Sy.Nos. to show cause within 2 months from the date of receipt of the notice why Notification under section 35(1) of the I.F.A. should not be issued, were served on them on 10.6.1961. The Notice is published on pages 1277 to 1278 of the Mysore Government Gazette dated 13.7.1961 in part III section 2. In reply to this, no objections were received from them within the stipulated period of two months.

2. The owners have however represented as per their application dated 25.11.61 that they have sold the standing Junglewood trees for felling on a contract of 5 years ending June 1965 in the year 1960 and that they should be allowed to fulfill their commitments already entered into prior to the issue of the Notice by allowing their purchasers to fell the tree-growth from Sy.Nos. 7 and 24 only. They have already cleared about 40 acres in Sy.No. 7 and 100 acres in Sy. No.24 before issue of the said Notice and about 60 acres in Sy. No.7 and 50 acres in Sy.No.24 after the issue of the Notice in 1960.61. and 1961.62. The firewood and timber prepared from felling of the treegrowth was transported on obtaining permission from this Department as permitted in your Nos. PLG/GFT/4064/75/60.61 dated 5.11.60 and No.PLG/GFT/5420/109/60.61dated 20.3.1961. No felling is undertaken in Sy.No.39 which contains young coppice growth.

3. The action of the owners in allowing their purchasers to continue the felling operations even after the receipt of the Notice on 10.6.61 amounts to an infringement of the requirements of the Notice which prohibited them from undertaking the cleaning of vegetation in the said Sy.Nos. for a period of six months from the date of the Notice. They admit this and are willing to pay the compensation amount that may be levied on them. Accordingly, I propose to impose a penalty of Rs.50/- from each of the 30 owners for breach of the Notice conditions issued under section 35(3) of the I.F.A. and allow further felling after preserving 25 standards per acre on the basis of the model Rules pending issue of Notification by Government under section 35(1) of the I.F.A. 1927 as they cannot be prohibited from undertaking the felling operations hereafter.

4. These Sy.Nos. from a compact block of 1006 acres 11 gunthas excluding an area of 16 acres fit for cultivation and adjoin Government reserved forests. Inspite of the felling operations undertaken in Sy.Nos.7 and 24 as stated above, it is felt necessary to bring all these 3 sy.Nos. under the purview of section 35(1) of the I.F.A. by issue of a Notification to regulate future fellings.

--2

10

NOTIFICATION. 8 JAN 1963

Whereas a notice has been issued under sub-section (3) of Section 35 of the Indian Forest Act, 1927, to .....*...see.. below..... ..... the owners of the Forest specified in the schedule hereto annexed, to show cause why a notification under sub-section (1) of Section 35 of the said Act, should not be made prohibiting or regulating the acts specified in the draft notification attached to the said notice;

And whereas the objections raised by the said owner to the issue of a notification and evidence produced by him have been heard and considered by Government;

And whereas no objections have been taken by the said owner to the issue of a notification;

And whereas it appears to the Government of Mysore that it is necessary:—

(*a*) For the conservation of trees and forests;

(*b*) For the preservation and improvement of soil or the protection of land against erosion or the deposit thereon of sand, stones or gravel;

(*c*) For the improvement of grazing;

(*d*) For the maintenance of water supply in springs, rivers and tanks;

(*e*) For the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;

(*f*) For the preservation of public health;

(A) To prohibit in the Forests specified in the Schedule appended here to the following acts:—

(*a*) Breaking or clearing of the land for cultivation;

(*b*) Setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly.

(*c*) Burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;

(*d*) Lopping of trees of the following species for the purpose of tahal:—

Teak, Mango, Sissum, Moha, Hirda, Khair, Bibbla *i.e.*, Honni, Shivan, Chandan, Apta and Temburni.

Issued in 8 JAN 1963

(B) To regulate in the forests specified in the Schedule appended hereto the following acts:—

(*a*) Marking of trees in flat areas and moderate slopes shall be done on sylvicultural principles approved by the Divisional Forest Officer,..Belgaum. and in the steep and precipitous slopes on the principles of protection where only dead trees may be removed.

(*b*) Pasturing of cattle:—

(i) Not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) Sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, ...Belgaum. but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122 (v) of the Bombay Forest Manual, Vol. III.

(*c*) Girdling of trees shall not be permitted unless the removal of tree is sylviculturally desirable.

(*d*) Tapping of trees shall be allowed in the manner and during the period as may be prescribed for different species by the Divisional Forest Officer, ...Belgaum.

(*e*) Stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, .Belgaum.

1) Shri Vithalarao Yeshavantrao Desai of Nerse Taluka Khanapur Dist :- Belgaum.

2) Shri Dhondu Amrutavao Desai of Nerse Taluka Khanapur Dist :- Belgaum.

3) Shri Yeshwant Sakharam Desai of Nerse Taluka Khanapur Dist :- Belgaum.

(*f*) Stripping of leaves of fodder tree shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer,.....Belgaum.....

(*g*) Lopping of trees of the species other than those mentioned under A (*d*) shall be permitted in the manner prescribed by the Divisional Forest Officer, ..Belgaum.

(*h*) Clearing of under growth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(*i*) Pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allowed by rotation during the period and in the manner prescribed by the Divisional Forest Officer, ..Belgaum.

(*j*) Cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer, ...Belgaum. with due consideration to sylvicultural requirements of the crop. Rules in this connection are enclosed herewith. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, .Belgaum.

(*k*) Quarrying shall be done only in the places approved by the Divisional Forest Officer, .Belgaum. Quarrying shall not be permitted if sacrifice of good tree growth is involved.

(*l*) Burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Indian Forest Act, 1927 (XVI of 1927), as in force in the Bombay Area, the Government of Mysore hereby

(A) Prohibits. (A) *above*

(B) Regulate. (B) *above*

SCHEDULE.

District	Taluka	Village	S.No.	Area
				A. G.
Belgaum	Khanapur	Kavle	7	405-21
			39	399-22
			24	201- 8

Boundaries.

North	East	South	West
20,19,18,17,13,8, 7+6	Village boundary of Kanjle.	Village boundary of Nerse.	S.No. 24
Village boundary of Amboli	4, 3, 37, 41, 38	24, 26, 27, 28, 30, 31, 21, 19, 18 &16	S.No. 24
Village boundary of Kabnali + Amboli	39, 26, 27, 28, 29, 31, 21, 23, 20 & 7	Village boundary of Nerse.	Village boundary of Nerse.

By Order and in the name of the Governor of Mysore,

Deputy Secretary to Government,
Agriculture and Forest Department.

Note The area fit for cultivation under S.No. is excluded.

S.No.	Area of S.No.	Area fit for cultivation.
7	417-21	12-0
39	402-22	3-0
24	202- 8	1-0

12

RULES FOR FELLING IN PRIVATE FORESTS.

1. All mature, dead and dying trees shall be removed irrespective of species and girth (Dying tree means the tree of which half the crown is dead).

2. At least 20 timber trees of the following important species between 18" and 36" in girth at breast height shall be reserved per acre well distributed in the area of exploitation.

Teak, Sissum, Karimuttal, Nandi, Honni, Heddi, Kindal, etc.

The trees to be reserved under this rule shall be sound ones. In case the trees of the species mentioned above of the minimum prescribed girth are not available equal number of trees of the maximum available girth shall be retained well distributed in the area of exploitation.

3. Soft wood species, *viz.*, Sawar, Ambada, etc., below 36" girth at breast height shall be retained.

4. Fruit trees and trees yielding important economic forest produets such as Ambad (Mango), Phanas (Jack), Kaju, Amla, Karanj, etc., shall not be cut. Over mature trees of the species may be felled after they are certified by the Range Forest Officer.

5. All sandalwood trees below 12" girth at breast height (except dead and dying trees) shall be retained.

6. No trees of any species below and up to 12" girth at breast height shall be allowed to be cut except those mentioned in rule 1 above. Trees of the species other than those mentioned in rule Nos. 2, 3, 4 and 5 below 12" girth at breast height should be felled only if they are interfering with trees of the abovementioned timber and other species or likely to interfere with future coppice shoots of the timber species to be felled. Under no circumstances should large gaps be created in the canopy.

7. No area should be clearfelled on the tops of steep hills where heavy erosion is feared. Such area shall be delineated by giving tar bands at breast height to the boundary trees which shall be approved by the Range Forest Officer.

8. Trees to be reserved under rules 2, 3 and 4 should be marked with tar bands.

9. All live and sound trees to be felled shall be cut flush with the ground and the stools should be cut within 3" of the ground level.

10. Reserved trees when infested with climbers shall be freed.

11. All dragging paths shall be refilled.

12. Before felling is started the area shall be inspected by the Range Forest Officer. He will also inspect the area after the felling is completed and furnish a certificate of the satisfactory completion of the work to the Divisional Forest Officer, ...Belgaum.

13. Thinning and cleaning in coppice growth shall be carried out as under:—

If the number of stems (or shoots) is more than 3 in case of stools of and over 24" in girth at ground level, and more than 2 in the case of stools below 24" girth at ground level, the number of stems in excess of the above number shall be cut back. The most promising stems shall be retained and bad ones shall be removed.

14. The periodicity of felling will be limited to 20 years cycle and hence the area once worked will not be allowed to go worked till 20 years have elapsed from the year of previous working.

WD 05929—GPB—6,500—24-10-59